

19880712

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, JULY 12, 1988

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor McColl at 10:01 a.m.

The meeting was recessed by Deputy Mayor McColl at 12:17 p.m.

The meeting was reconvened by Deputy Mayor McColl at 2:10 p.m. with Council Members Pratt, McCarty, Filner and Mayor O'Connor not present. Deputy Mayor McColl adjourned the meeting at 4:03 p.m. to meet in Closed Session on Thursday, July 14, 1988 at 9:30 a.m. in the twelfth floor conference room regarding potential litigation.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-excused by R-271489 (City
business in U.S.S.R.)

- (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (rb, jb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member McColl-present
 - (4) Council Member Pratt-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present

ITEM-330:

Two actions relative to the Beyer Boulevard Improvement Project - Condemnation:
(See City Manager Report CMR-88-332. Otay Mesa-Nestor Community Area. District-8.)

Subitem-A: (R-88-2646) ADOPTED AS RESOLUTION R-271410

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of a public street or streets and incidents thereto, together with slope or slope easements, storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, in a portion of those certain lands designated as that portion of Block 9 of Brimhall's Addition to Otay, portions of Section 26 and 27, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California; and that the public interest, convenience and necessity demand the acquisition of said property interests for the Beyer Boulevard Improvement Project (CIP-52-110.2); declaring the intention of the City of San Diego to acquire said property and easements under eminent domain proceedings; directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property interests and easements and acquiring immediate possession thereof.

Subitem-B: (R-89-23) ADOPTED AS RESOLUTION R-271398

Certifying that Environmental Negative Declaration END-83-0227 has been reviewed and considered by the Council.

Aud. Cert. 8801153.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A056-088.)

Hearing began at 10:05 a.m. and halted at 10:08 a.m.

MOTION BY McCARTY TO APPROVE THE CONDEMNATION AND ADOPT

SUBITEM-B. Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-331: (R-88-2283) ADOPTED AS RESOLUTION R-271399

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gaslamp Quarter Landscape and Lighting Maintenance District.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gaslamp Quarter Landscape and Lighting Maintenance District. The Fiscal Year 1989 proposed district costs are as follows:

Contractual Maintenance	\$ 79,226
Personnel	173,761
Utilities	60,000
Incidentals	62,512
Total Expenses	\$375,499
Reserve	46,238
Total	\$421,737
Less Carry-over & Interest	141,000
Less City Contribution	13,100
Assessed to District	\$267,637

The annual assessment for Fiscal Year 1989 will be \$267,637, as compared to \$261,586 for Fiscal Year 1988. The proposed assessment reflects the transfer of the landscaping and cleaning functions to City Forces. This conversion is in response to dissatisfaction with the performance of present and past contractors. The private full service tree maintenance contract will be continued.

FILE LOCATION: STRT M-157

COUNCIL ACTION: (Tape location: A089-105.)

Hearing began at 10:09 a.m. and halted at 10:10 a.m.

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-332:

Two actions relative to the San Diego Street Lighting Maintenance District No. 1:

Subitem-A: (R-88-2292) ADOPTED AS RESOLUTION R-271400

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the San Diego Street Lighting Maintenance District No. 1.

Subitem-B: (R-88-2586) ADOPTED AS RESOLUTION R-271401

Authorizing the execution of an agreement with San Diego Gas and Electric Company for furnishing electrical energy for the San Diego Street Lighting Maintenance District No. 1 for the Fiscal Year 1989.

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for the San Diego Street Lighting Maintenance District No. 1. The district provides street light energy and maintenance for areas with lighting levels above the normal for City-wide "Safety" lighting. The Fiscal Year 1989 proposed district costs are as follows:

Electrical Energy	\$ 310,364
General Maintenance	200,000
Painting Maintenance	40,000
Circuits Maintenance	100,000
Centre City Maint. Program	10,580
Incidentals	11,700
Total Expenses	\$ 672,644
Reserve	773,966
Total	\$1,446,610
Less Carry-over and Interest	770,607
Less City Contribution	206,003
Assessed to District	\$ 470,000

The amount assessed to the district for Fiscal Year 1989 is approximately the same as for Fiscal Year 1988 (\$470,657).

FILE LOCATION: STRT M-158 CONT FY89-1

COUNCIL ACTION: (Tape location: A089-105.)

Hearing began at 10:09 a.m. and halted at 10:10 a.m.

MOTION BY ROBERTS TO ADOPT. Second by Struiksmā. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmā-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-333: (R-88-2179) ADOPTED AS RESOLUTION R-271402

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Downtown Street Tree Maintenance District.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for the Downtown Street Tree Maintenance District. The district provides landscaping and special area maintenance to Downtown Street Trees, Centre City Way, Horton Plaza Retail Center, and Central City area. The Fiscal Year

1989 proposed combined maintenance costs for the district are as follows:

Contractual Services	\$105,699
Personnel	207,039
Utilities	8,100
Incidentals	45,054
Total Expenses	\$365,892
Reserve	36,589
Total	\$402,481
Less Carry-over and Interest	63,000
Assessed to District	\$339,481

The proposed assessment to the district for Fiscal Year 1989 is approximately \$340,000 as compared to \$199,000 for Fiscal Year 1988. In Fiscal Year 1989, the landscaping and cleaning functions throughout the district will be transferred to City Forces. This conversion is in response to dissatisfaction with the performance of present and past contractors. The increase in the assessment is partly due to proposed City Forces effort to bring the maintenance operations to a satisfactory level. The increase is also due to a smaller carry-over amount (\$63,000) to Fiscal Year 1989, as compared to the previous year (\$135,000).

FILE LOCATION: STRT M-155

COUNCIL ACTION: (Tape location: A089-105.)

Hearing began at 10:09 a.m. and halted at 10:10 a.m.

MOTION BY ROBERTS TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-334:

1) Rezoning approximately 4.7 acres located on the east side of 54th Street between Grape Street and Westover Place, in the Mid-City Community Plan area, from Zone R1-5000 to Zone M-1B (Light Industrial) or CA and M-1B with CPIOZ, Type B. The subject property is further described as a portion of Lot 17, Rancho Mission of San Diego, Map-330.

2) An amendment to the Mid-City Community Plan which proposes to change the land use designation on the above described real property from low density residential (5-10 housing units/gross or net acre) to industrial or commercial-industrial mixed use with a Community Plan Implementation Overlay Zone (CPIOZ), Type B. (Case-87-1081. District-3.)

Subitem-A: (R-88-2370) ADOPTED AS RESOLUTION R-271403

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-1081 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-206) INTRODUCED, TO BE ADOPTED ON JULY 25, 1988

Introduction of an Ordinance for M-1B Zoning.

Subitem-C: (R-88-2567) ADOPTED AS RESOLUTION R-271404

Adoption of a Resolution approving the Community Plan amendment.

FILE LOCATION: SUBITEM-A: ZONE ORD. NO., SUBITEM-B: --, SUBITEM-C: LAND, MID-CITY COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A106-192.)

Hearing began at 10:11 a.m. and halted at 10:16 a.m.

Testimony in favor by Owen Menard.

MOTION BY ROBERTS TO APPROVE STAFF RECOMMENDATIONS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-335: (R-89-275) ADOPTED AS RESOLUTION R-271405, DENYING THE APPEAL, DENYING THE VARIANCE

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Appeal of Leslie Cumming, by Matthew A. Peterson, from the decision of the Board of Zoning Appeals in partially granting a requested variance to maintain (1) a floor area ratio of .75 where .60 is the maximum permitted; (2) 50 linear feet of combination fence/retaining wall in the rear yard 7'6" in height, where a maximum height of 6'0" is permitted; and (3) approximately 30 linear feet of combination fence/retaining wall in the east side yard, 7'6" in height, where a maximum height of 6'0" is permitted.

The subject property is described as portions of Lots 22 and 24, Block 4, First Addition to South La Jolla, Map-891, located at 358 Belvedere Street, in Zone R1-5000 and

Coastal Zone, Proposition "D" Area, in the La Jolla
Community Plan area.
(C-19850. District-1.)

Subitem-A:

Adoption of a Resolution granting or denying the appeal and
granting or denying the variance with appropriate findings
to support Council action.

FILE LOCATION: ZONE - ZONING APPEALS CASE C-19850

COUNCIL ACTION: (Tape location: A193-C065.)

Hearing began at 10:17 a.m. and halted at 11:27 a.m.

Testimony in favor by Paul Peterson, Voyd Beights, and Leslie
Cumming.

Testimony in opposition by Michael Gardella, Mary Jane Orr,
Richard Patton, and Carol Baker.

MOTION BY WOLFSHEIMER TO DENY THE APPEAL AND DENY THE VARIANCE.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-nay, Henderson-yea, McCarty-nay, Filner-yea, Mayor
O'Connor-not present.

ITEM-336: (R-89-276) ADOPTED AS RESOLUTION R-271406,
GRANTING THE APPEAL, GRANTING THE
VARIANCE

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Appeal of Triarc, by James R. Dawe, Esq., from the decision
of the Board of Zoning Appeals in granting, with
modifications, Case C-19908, to construct an eight-story
commercial office building, (1) resulting in a floor area
ratio of 2.33 where 2.0 is the maximum permitted; (2)
providing a spacing of 17'2" between two driveways where
45'0" is required between driveways serving the same
premises; and (3) observing a 10'0" rear yard where 33'0"
is required. The subject property is described as Lots A,
B and C, Block 282, Horton's Addition, Map D.B. 131522, and
is located at 2441-75 Fifth Avenue, in Zone C, in the
Uptown Community Plan area.
(Case C-19908. District-8.)

Adoption of a Resolution granting or denying the appeal and
granting or denying the variance, with appropriate findings
to support Council action.

FILE LOCATION: ZONE - ZONING APPEALS CASE C-19908

COUNCIL ACTION: (Tape location: C066-228.)

Hearing began at 11:28 a.m. and halted at 11:41 a.m.

Testimony in favor by Jim Dawe.

MOTION BY FILNER TO GRANT THE APPEAL AND THE VARIANCE
CONDITIONED UPON 1) THAT THE PROJECT BE CONSTRUCTED AS SHOWN ON
PLANS ENTITLED EXHIBIT "A" DATED JULY 12, 1988; AND 2) THAT THE
PROJECT COMPLIES WITH THE REQUIREMENTS OF BUILDING INSPECTION.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-not present.

ITEM-337:

Matters of the following non-accelerated variance requests from
the Interim Development Ordinance (IDO):

- a) A variance request from the Interim Development Ordinance
(IDO) for an 8-unit project (includes proposed units and any
existing units to remain). The subject property is located
at 3740-52 Promontory Street and is described as Lots 30, 31,
32, 33 and 34, Block 32, Map-895. The R-1500 zoned site is
within the Pacific Beach Community Plan area.
(Case-88-4145 (Non-accelerated). District-6.)
- b) A variance request from the Interim Development Ordinance
(IDO) for a 74-unit project (includes proposed units and any
existing units to remain). The subject property is located
at the east side of Derby Farms Road, approximately 600 feet
south of San Dieguito Road and is described as Fairbanks
Country Club Unit 3, Map-10941. The A-1-1 zoned site is
within the Fairbanks Country Club Specific Plan area.
(Case-88-4069 (Non-accelerated). District-1.)

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Subitem-A: (R-89-673) ADOPTED AS RESOLUTION R-271407,
GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance
request for Case-88-4145 with appropriate findings to
support Council action.

Subitem-B: (R-89-674) ADOPTED AS RESOLUTION R-271408,
GRANTING THE VARIANCE

Adoption of a Resolution granting or denying the variance
request for Case-88-4069 with appropriate findings to
support Council action.

FILE LOCATION: SUBITEM-A: ZONE IDO VARIANCE Case-88-4145,

SUBITEM-B: ZONE IDO VARIANCE Case-88-4069

COUNCIL ACTION: (Tape location: C229-D145.)

Hearing began at 11:42 a.m. and halted at 12:15 p.m.

Testimony in favor by James Lester.

MOTION BY HENDERSON TO GRANT THE VARIANCE FOR SUBITEM-A. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Testimony in favor by Lawrence Serra.

Motion by Wolfsheimer to deny the variance. No second.

MOTION BY STRUIKSMA TO GRANT THE VARIANCE. THE PROJECT MEETS ALL FINDINGS OF THE IDO CRITERIA EXCEPT NUMBER 6. Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-338:

Two actions relative to the Scripps Miramar Ranch -

Facilities Benefit Assessment:

(See City Manager Report CMR-88-239. Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-88-2203) ADOPTED AS RESOLUTION R-271411

Approving the document entitled, "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment - April, 1988."

Subitem-B: (R-88-2204) ADOPTED AS RESOLUTION R-271412

Resolution of Intention to designate an area of benefit in Scripps Miramar Ranch; setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 5/9/88. Recommendation to refer to the City Council without recommendation. Districts 1, 4, 5, and 8 voted yea. District 2 not present.

FILE LOCATION: STRT FB-11

COUNCIL ACTION: (Tape location: E010-239.)

Hearing began at 2:10 p.m. and halted at 2:25 p.m.

Council Member Filner entered at 2:11 p.m.

Council Member McCarty entered at 2:12 p.m.

Testimony in favor by Bob Dingeman and Rebecca Michaels.

MOTION BY STRUIKSMA TO ADOPT AND SET THE HEARING DATE FOR AUGUST 2, 1988. DIRECT STAFF TO ADDRESS THE COMMUNITY CONCERNS

REGARDING SCRIPPS LAKE DRIVE AND POMERADO ROAD. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-339: (R-88-2296) ADOPTED AS RESOLUTION R-271413

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Scripps-Miramar Ranch Landscape and Lighting Maintenance District.

(Scripps-Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for Scripps-Miramar Ranch Landscape and Lighting Maintenance District. The district provides landscape maintenance for open space and center islands, and maintenance for street light standards. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$146,041
Personnel	28,381
Utilities	35,161
Incidentals	20,391
Total expenses	\$229,974
Reserve	49,457
Total	\$279,431
Less Carry-over and Interest	105,000
Less City Contribution	11,752
Assessed to District	\$162,679

The proposed unit assessment for Fiscal Year 1989 will remain approximately \$32, as it was for the previous Fiscal Year 1988.

FILE LOCATION: STRT M-159

COUNCIL ACTION: (Tape location: E265-280.)

Hearing began at 2:27 p.m. and halted at 2:28 p.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-340: (R-88-2286) ADOPTED AS RESOLUTION R-271414

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Penasquitos East Landscape Maintenance District.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for the Penasquitos East Landscape Maintenance District. The district provides for the maintenance of landscaped medians and open space within the district. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$35,500
Personnel	9,461
Utilities	11,450
Incidentals	12,164
Total Expenses	\$68,575
Reserve	11,088
Total	\$79,663
Less Carry-over and Interest	11,100
Less City Contribution	11,004
Assessed to District	\$57,559

The annual assessment for Fiscal Year 1989 will be approximately \$5 per unit, compared to \$4.60 for Fiscal Year 1988. The increase is due to increases in the contractual maintenance costs.

FILE LOCATION: STRT M-160

COUNCIL ACTION: (Tape location: E265-280.)

Hearing began at 2:27 p.m. and halted at 2:28 p.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-341: (R-88-2280) ADOPTED AS RESOLUTION R-271415

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Calle Cristobal Landscape and Lighting Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The Calle Cristobal Landscape and Lighting Maintenance District will provide maintenance of landscaped medians, streetscapes and the street side of the south attenuator wall along Calle Cristobal within the district boundaries. This action establishes the assessments for the district for Fiscal Year 1989. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$41,000
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Personnel	7,568
Utilities	9,500
Incidentals	9,104
Total Expenses	\$67,172
Reserve	7,095
Total	\$74,267
Less Carry-over and Interest	2,700
Less City Contribution	5,450
Assessed to District	\$66,117

The proposed unit assessment for Fiscal Year 1989 is approximately \$21 compared to \$2 for Fiscal Year 1988. The increase in the assessment is due to the following: 1. The assessments for Fiscal Year 1988 were for the last three months of that fiscal year. The assessments for Fiscal Year 1989 are for a full 12-month period. 2. The district has taken over the maintenance of additional landscaped medians and streetscapes from the developer for Fiscal Year 1989.

FILE LOCATION: STRT M-161

COUNCIL ACTION: (Tape location: E265-280.)

Hearing began at 2:27 p.m. and halted at 2:28 p.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-342: (R-88-2289) ADOPTED AS RESOLUTION R-271416

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Rancho Bernardo Landscape Maintenance District.

(Rancho Bernardo Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessment for the Rancho Bernardo Landscape Maintenance District. The district provides landscape maintenance of streetscapes. The Fiscal Year 1989 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 74,045
Personnel	9,461
Utilities	13,055
Incidentals	11,466
Total Expenses	\$108,027
Reserve	59,276
Total	\$167,303
Less Carry-over & Interest	69,000

Less City Contribution 11,021
Assessed to District \$ 87,282

The annual assessment for Fiscal Year 1989 will be approximately \$8 per dwelling unit, as compared to \$8.30 for Fiscal Year 1988.

FILE LOCATION: STRT M-162

COUNCIL ACTION: (Tape location: E265-280.)

Hearing began at 2:27 p.m. and halted at 2:28 p.m.

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksmay-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-343: (R-88-) ADOPTED AS RESOLUTION R-271417, DENIED
THE APPEAL AND PERMIT

Appeal of Craig Scott, from the decision of the Board of Zoning Appeals in denying a request to:

- (1) Construct a detached two-story building. First story to be a two-car garage and second story to be a 1,014 square foot guest quarter where such use is permitted by Conditional Use Permit only;
- (2) Provide a driveway to the proposed garage, 30'0" in width where a maximum driveway width of 25'0" is permitted;
- (3) Maintain 13'0" of 6'0" high chain link fence observing a 2'0" front yard at the closest point (15'0" is established setback);
- (4) Maintain 25'6" of open wrought iron fence ranging in height from 4'11" to 5'9-1/2" observing a 2'0" front yard (15'0" is established setback);
- (5) Maintain 24'2" of open wrought iron fence ranging in height from 4'9" to 6'2" observing a 1'7" front yard (15'0" is established setback);
- (6) Maintain 19'8" of open wrought iron fence ranging in height from 5'0" to 5'10" observing a 10'0" street side yard (15'0" is established setback); and
- (7) Maintain approximately 109'0" of 6'0" high chain link fence observing a 12'0" street side yard at the closest point (15'0" is established setback).

The subject property is described as Lot 72, La Jolla Farms, Map-3487, located at 9603 La Jolla Farms Road, in Zone R1-20000, in the Coastal Zone and Proposition "D" Height Limitation Zone, in the La Jolla Community Plan area.

(CUP-19884. District-1.)

Adoption of a Resolution granting or denying the appeal and

granting or denying the permit with appropriate findings to support Council action.

FILE LOCATION: ZONE ZONING APPEALS C-CUP-19884

COUNCIL ACTION: (Tape location: E281-F130.)

Hearing began at 2:29 p.m. and halted at 2:58 p.m.

Council Member Pratt entered at 2:45 p.m.

Testimony in favor of the appeal by Alan Perry and Craig Scott.

Testimony in opposition to the appeal by John West, Milton Fradkin and Penelope West.

MOTION BY HENDERSON TO DENY THE APPEAL AND PERMIT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-not present.

ITEM-344:

Appeal of Circle K Corporation, by James J. Lantry, from the decision of the Planning Commission in granting Conditional Use Permit CUP-87-0968 to construct a convenience food store with self-serve gas pumps. The applicant is requesting a variance to locational criteria to allow 24-hour daily operation. The subject property (approximately 0.5 acres) is located on the northwest corner of Camino Ruiz and Reagan Road, in Zone CA, in the Mira Mesa Community Plan area and is described as Parcel 16, Map-12698.

(CUP-87-0968. District-5.)

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Subitem-A: (R-89-168) ADOPTED AS RESOLUTION R-271418

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-87-0968 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-169) ADOPTED AS RESOLUTION R-271419,
GRANTED THE APPEAL AND PERMIT AS
AMENDED

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM CUP-87-0968

COUNCIL ACTION: (Tape location: F131-320.)

Hearing began at 2:58 p.m. and halted at 3:10 p.m.

Testimony in favor of the appeal by James Lantry.

MOTION BY STRUIKSMA TO GRANT THE APPEAL AND PERMIT AS AMENDED WITH THE CONDITIONS THAT THERE BE NO DELIVERIES MADE BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M., NO SALE OF ALCOHOL BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M., AND NO SALE OF GASOLINE BETWEEN THE HOURS OF MIDNIGHT AND 6:00 A.M. ALSO TO DELETE CONDITION NO. 17 FROM THE PERMIT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-345: CONTINUED TO JULY 26, 1988, AT 10:00 A.M.

Matter of the Historical Site Board's decision of denial of a demolition permit for 4 designated cottages located at 1241 and 1243 Coast Boulevard and 1260 and 1268 1/2 Prospect Street, Green Dragon Colony, Historical Site No. 84.
(District-1.)

Subitem-A: (R-88-2520)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-87-0188 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (R-88-2519)

Adoption of a Resolution concurring in the action of the Historical Site Board in denying the issuance of a demolition permit.

FILE LOCATION: GENL - Historical Site Board Decision & Appeals of

COUNCIL ACTION: (Tape location: E239-264.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 26, 1988, AT 10:00 A.M., AT FRANNE FICARA'S REQUEST. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S500: (R-88-2469) ADOPTED AS RESOLUTION R-271409

(Continued from the meeting of July 5, 1988, Item 330, at Council Member Henderson's request, for further review.)
Declaring property not in compliance with City Weed and Rubbish Abatement Ordinance O-15174 to be public nuisances and ordering these parcels to be abated.

(See City Manager Report CMR-88-309.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D146-165.)

Hearing began at 12:15 p.m. and halted at 12:17 p.m.

MOTION BY HENDERSON TO ADOPT. Second by Struiksma. Passed by the following vote: Wolfsheimer-not present, Roberts-not present, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-S501:

(Continued from the meeting of July 5, 1988, Item 341, at Council Member Wolfsheimer's request, for a report from the Planning Department on proposed amendments to the project.)
Proposed amendments to 1) The Costa Verde Specific Plan, and 2) The Costa Verde Development Agreement between the City of San Diego and Guaranty Service Corporation.

The proposed amendment to the specific plan would increase the allowable height of residential buildings to a maximum of 23 stories. No increase in the number of approved dwelling units (2,600) would occur.

The proposed amendment to the development agreement provides for the funding of public facilities through the owners participation in the community's public facilities financing plan. The developer would also provide public improvements, facilities and services as required by the tentative subdivision map. The amendment would assure the owner that the property could be developed in conformance with the University Community Plan, Costa Verde Specific Plan, R1-5000 Zone and Planned Residential Development PRD-87-0991, Planned Commercial Development PCD-85-0783 and Tentative Map TM-85-0783 for the ten-year term of the agreement. Additional provisions are included in the draft development agreement.

The subject property (approximately 56 acres) is located south of La Jolla Village Drive, north of Nobel Drive, east of Regents Road and west of Genesee Avenue, in Zone R1-5000, in the University community. A brief legal description is as follows: portions of Pueblo Lots 1301, 1302 and 1308. The specific legal description is on file in the City Planning Department.

(Case-88-0352. District-1.)

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Subitem-A: (R-88-2495) ADOPTED AS RESOLUTION R-271420

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0991 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (O-88-202) INTRODUCED, TO BE ADOPTED JULY 25, 1988

Introduction of an Ordinance amending the specific plan.

Subitem-C: (O-88-209) INTRODUCED TO BE ADOPTED JULY 25, 1988

Introduction of an Ordinance amending the development agreement.

Subitem-D: (R-88-2494) ADOPTED AS RESOLUTION R-271421

Adoption of a Resolution authorizing the City Manager to execute a first amendment to the Costa Verde Development Agreement with Guaranty Service Corporation.

FILE LOCATION:

Subitem A LAND - Costa Verde Specific Plan;

Subitems B-C--;

Subitem D DEVL - Costa verde

Development Agreement

COUNCIL ACTION: (Tape location: F325-G324.)

Hearing began at 3:11 p.m. and halted at 4:02 p.m.

Testimony in favor by Paul Robinson.

Motion by Wolfsheimer to approve subject to the project's open space resulting in conversion of lowrise to highrise becoming non-building easement. Provisions 28 and 29 of PRD-87-0991 shall not be deleted from the Specific Plan or the Development Agreement, and developer shall comply with the IDO (Interm Development Ordinance) and Growth Management Plan, FBA (Facilities Benefit Assessment) and Finance Phasing Plan.

Second by McCarty. No vote.

MOTION BY FILNER TO APPROVE THE ORIGINAL STAFF RECOMMENDATION.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-not present.

ADDITIONAL BUSINESS: (R-89-353) ADOPTED AS RESOLUTION

R-271422

During consideration of the above regular business item,
the following resolution was adopted.

Declaring conditions 28 and 19 of PRD-87-0991 to be
superfluous as they relate to this project and have them
stricken from the PRD permit.

FILE LOCATION: PERM PRD-87-0991

COUNCIL ACTION: (Tape location: G325-475.)

MOTION BY STRUIKSMA TO ADOPT. Second by Henderson. Passed by
the following vote: Wolfsheimer-present (did not vote),

Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea,

Henderson-yea, McCarty-yea, Filner-present (did not vote), Mayor

O'Connor-not present.

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor McColl at 4:03
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: G490-495).